IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

CHAMBER SUMMONS NO.189 OF 2005
IN
EXECUTION APPLICATION NO.338 OF 2002
IN
ARBITRATION MATTER NO.120 OF 1998

M/s.Keynote Capitals Ltd. .. Applicants

Vs.

Mr.Anoop H.Roy .. Respondent

Mr.R.Shah with Mr.Prasad Das i/b Goenka Law & Associates for the applicants

Mr.Ananth Iyengar for the respondent

CORAM: S.U.KAMDAR, J
DATE : 21ST FEBRUARY 2005

P.C.:

1. By consent of the parties, Chamber Summons is taken up forthwith for hearing and final disposal and following order is passed:

2. The present application is taken out for setting aside an exparte order dated 16th October 2004 in notice no.983 of 2002 in Execution Application No.338 of 2002. It is the case of the applicant that he is not served with the

Arbitration Petition on the basis of which the said award decree has been passed. The notice no.983 of 2002 is notice under Order 21 Rule 43 and Rules 54 for renewal of the award decree. It is open to the applicant to initiate appropriate proceedings in respect of challenge to the award decree and obtain appropriate orders for stay of execution of the said decree. At present the award decree in Arbitration Petition No.120 of 1998 in Execution Application No.338 of 2002 is not to be further executed till 21/03/2005. Unless necessary orders are obtained in the aforesaid period the present petition to stand vacated and the award decree to proceed further in execution.